

## **CLAIM AMENDMENTS**

### **Amendments to the Claims:**

This listing of claims replaces all prior versions and listings of claims in the application:

### **Listing of Claims:**

1. (Cancelled)

2. (Cancelled)

3. (Currently Amended) A pharmaceutical composition comprising isolated  $10^4$  to  $10^{10}$  killed whole cells of a bacterium selected from the genera *Rhodococcus*, *Gordonia*, *Dietzia*, *Tsukamurella* and *Nocardioidea* and a pharmaceutically acceptable carrier, diluent or excipient, which pharmaceutical composition in use modifies a cellular immune response.

Claims 4-7. (Cancelled)

8. (Currently Amended) ~~An immune modulator composition or a~~ pharmaceutical composition according to claim 3 for use as a medicament.

9. (Currently Amended) ~~An immune modulator composition or a~~ pharmaceutical composition according to claim 3 for use in or as a vaccine.

10. (Currently Amended) ~~An immune modulator~~ pharmaceutical composition according to claim 9 wherein said vaccine is a prophylactic vaccine or a therapeutic vaccine.

11. (Cancelled)

12. (Currently Amended) ~~An immune modulator composition and/or a~~ pharmaceutical composition according to claim 3 wherein said composition further comprises an antigen or antigenic determinant.

13. **(Currently Amended)** ~~An immune modulator composition and/or a pharmaceutical composition~~ according to claim 12 wherein said antigen or antigenic determinant is an antigen or antigenic determinant selected from one or more of a BCG (bacillus of Calmette and Guerin) vaccine, a diphtheria toxoid vaccine, a diphtheria/tetanus/pertussis vaccine, a pertussis vaccine, the tetanus toxoid vaccine, the measles vaccine, the mumps vaccine, the rubella vaccine, the OPV (oral poliomyelitis vaccine) and *Mycobacterium vaccae*, or part thereof.

14. **(Currently Amended)** ~~An immune modulator composition and/or pharmaceutical composition~~ according to claim 12 wherein said composition comprises two or more such antigens or antigenic determinants.

15. **(Currently Amended)** ~~An immune modulator composition and/or pharmaceutical composition~~ claim 3 wherein said bacterium is selected from the genus *Rhodococcus*.

16. **(Currently Amended)** ~~An immune modulator composition and/or pharmaceutical composition~~ according to claim 15 wherein said bacterium is one or more of the following *Rhodococcus ruber*, *Rhodococcus rhodococcus*, *Rhodococcus rhodnii*, *Rhodococcus coprophilus*, *Rhodococcus opacus* and *Rhodococcus erythropolis*.

17. **(Cancelled)**

18. **(Currently Amended)** A method for treating or preventing a condition in a subject comprising administering an effective amount of a ~~pharmaceutical composition~~ comprising  $10^4$  to  $10^{10}$  killed whole cells of a bacterium selected from the genera *Rhodococcus*, *Gordonia*, *Dietzia*, *Tsukamurella* and *Nocardioidea* and a pharmaceutically acceptable carrier, diluent or excipient, which ~~pharmaceutical composition~~ in use modifies a cellular immune response ~~and/or immune modulator composition comprising  $10^4$  to  $10^{10}$  killed whole cells of a bacterium selected from the genera *Rhodococcus*, *Gordonia*, *Dietzia*, *Tsukamurella* and *Nocardioidea*, wherein said immune modulator composition in use modifies a cellular immune response to a subject.~~

19. **(Currently Amended)** A method for immunizing a subject comprising administering a pharmaceutical composition comprising  $10^4$  to  $10^{10}$  killed whole cells of a bacterium selected from the genera *Rhodococcus*, *Gordonia*, *Dietzia*, *Tsukamurella* and *Nocardioides* and a pharmaceutically acceptable carrier, diluent or excipient, which pharmaceutical composition in use modifies a cellular immune response and/or immune modulator composition comprising  $10^4$  to  $10^{10}$  killed whole cells of a bacterium selected from the genera *Rhodococcus*, *Gordonia*, *Dietzia*, *Tsukamurella* and *Nocardioides*, wherein said immune modulator composition in use modifies a cellular immune response.

20. **(Currently Amended)** A method according to claim 18 wherein said pharmaceutical composition and/or an immune modulator composition is co-administered with an antigen or antigenic determinant.

21. **(Original)** A method according to claim 20 wherein the antigen or antigenic determinant is an antigen or antigenic determinant selected from one or more of a BCG (bacillus of Calmette and Guérin) vaccine, a diphtheria toxoid vaccine, a diphtheria/tetanus/pertussis vaccine, a pertussis vaccine, a tetanus toxoid vaccine, a measles vaccine, a mumps vaccine, a rubella vaccine, a OPV (oral poliomyelitis vaccine) and *Mycobacterium vaccae*, or part thereof.

22. **(Currently Amended)** A method according to claim 20 wherein said pharmaceutical composition and/or an immune modulator composition is co-administered with two or more such antigens or antigenic determinants.

23. **(Currently Amended)** A method according to claim 19 wherein said pharmaceutical composition and/or an immune modulator composition is co-administered with an antigen or antigenic determinant.

24. **(Previously Presented)** A method according to claim 23 wherein the antigen or antigenic determinant is an antigen or antigenic determinant selected from one or more of a BCG (bacillus

of Calmette and Guerin) vaccine, a diphtheria toxoid vaccine, a diphtheria/tetanus/pertussis vaccine, a pertussis vaccine, a tetanus toxoid vaccine, a measles vaccine, a mumps vaccine, a rubella vaccine, a OPV (oral poliomyelitis vaccine) and *Mycobacterium vaccae*, or part thereof.

25. **(Currently Amended)** A method according to claim 23 wherein said ~~pharmaceutical composition and/or an immune modulator composition~~ is co-administered with two or more such antigens or antigenic determinants.

26. **(Currently Amended)** ~~An immune modulator composition and/or pharmaceutical composition~~ according to claim 13 wherein said composition comprises two or more such antigens or antigenic determinants.

27. **(New)** A method according to claims 18 or 19 wherein the composition is a pharmaceutical composition.

28. **(New)** A method according to claims 18 or 19 wherein the composition is an immune modulator composition.